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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,635	09/26/2000	Elizabeth Sharpe	11854/1	6168

25693 7590 05/22/2003

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

12

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

pre

Office Action Summary

Application No.

09/670,635

Applicant(s)

SHARPE ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 28-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9,11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-46 are pending in this application. Claims 28-46 are canceled and claims 1, 14-15 and 17 are amended. Claims 1-28 are pending in this application.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/19/03 and 03/11/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi Yoshiyoki (EP 0 678 816 A2).

Regarding on claim 1, 14-15 and 17, Mizoguchi teaches a method archiving and retrieving media items based on episodic memory of predefined distinct groups of one or more people the method comprising:

Receiving a user input identifying a group to which the user belong (ABC Golf Club) (col. 9, lines 8-9);

Receiving user archiving input: identifying a digital media item (image data) to be archived for the group, selecting zero or more group event types from a predetermined plurality of group event types for the group (event data golf), selecting zero or more persons in the group (yoshida), and selecting time or time period (time data "1993/01/13/28) (col. 9, lines 17-26);

Receiving a user retrieval input selecting or automatically selecting: zero or more group event types from the predetermined plurality of group event types for the group, zero or more persons in the group, and a time or time period (col. 9, lines 41-58 and col. 10, lines 1-18); and

Using the selections and the identified group to retrieve and output digital media items that match the selection (col. 10, lines 19-28).

Mizoguchi does not explicitly teach generating index information using the received user archiving input; storing the index information in association with the identified digital media item; repeating the reception of user archiving input, the generation of the index information and the storing of the index information for a plurality of digital items. However, Mizoguchi teaches, "in step S1, photographic time (in this case, 13:38, January 22, 1993) is input to the information A (i.e., information A= "1993/01/22/13/28"). In step S2, n =1 is set. In step S3, schedule time data is input to the information B. In step S4, the information A is compared with the information b by the comparison unit C. In schedule [1] shown in fig. 4B, the information B is "1993/01/22/08/00-1993/01/22/17/00", so that the information A is included in the information B. For this reason, the comparison result becomes "2". In step S5, an event

Art Unit: 2172

"golf" is added as data associated with the image. In schedule [2] in fig. 4B, since the information B is "1999/01/22/17/00-1993/01/22/1990", the information A is not associated with the information B. For this reason, the comparison result be come "3". In this case, the event is not added. In step S6 and S7, loop control is performed to compare all the schedule data, and events are appropriately added" (col. 8, lines 29-45). This clearly teaches the generating index as 1, 2 or 3 as the comparing input of time information. In addition, the algorithm also including the loop to compare all the time in the store to generate the additional indexes. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the step of comparing the time data to all other time data to generate the indexes that help to classifying the search system to allow the fast retrieval system for user ease of use.

Regarding on claims 2 and 18, Mizoguchi teaches the user retrieval input comprises a user input from a different user identifying a group to which the different user belongs and the digital media items are retrieved using the group identified for the different user in the user retrieval input (col. 10, lines 19-28).

Regarding on claims 3 and 19, Mizoguchi teaches defining the distinct groups of people (yoshida, Inoue, Goto, Yamamoto, Hamada, and Aoyama) and defining group event types that are appropriate for members of the groups to distinguish episodic events memorable to the group (ABC Golf Club) (col. 7, lines 30-41).

Regarding on claims 4 and 20, Mizoguchi teaches receiving said digital media item to be archived (image) (col. 10, lines 14-17), and storing said digital media item in association with the index information (col. 8, lines 29-47).

Regarding on claims 5 and 21, Mizoguchi teaches receiving a user archiving input identifying a digital media item as being associated with a memorable high point in the mind of the user (col. 10, lines 14-17).

Regarding on claims 6 and 22, Mizoguchi teaches the user retrieval input includes in input selecting memorable high points (date 1993/01/22/13/28) (col. 9, line 23).

Regarding on claims 7 and 23, Mizoguchi teaches the index information is generated to include an identification of a media type of the digital media item (col. 7, lines 43-5).

Regarding on claims 8 and 24, Mizoguchi teaches the user retrieval input includes an input identifying a media type (image), and digital media items are retrieved and output based on the identified media type (col. 10, lines 1-18).

Regarding on claims 9 and 25, Mizoguchi teaches receiving a user archiving input identifying a plurality of digital media item and an input identifying the digital media items to be associated as perceived by the user, wherein the index information is generated to include the identified association (1, 2, 3 and 4) (col. 7, lines 43-52).

Regarding on claim 10, Mizoguchi teaches when the digital media items are retrieved and output as a result of the user retrieval input, any digital media items having the identified association in the index information are automatically identified for retrieval and output (col. 7, lines 29-47).

Regarding on claim 11, Mizoguchi teaches automatically identified digital media items are automatically retrieved and output (col. 10, lines 14-20).

Regarding on claim 25, Mizoguchi teaches receiving means is adapted to receive the user arching input identifying a plurality of digital media items to be sequenced as perceived by the user, and said generating means is adapted to generate the index information to include the identified sequences (col. 7, lines 43-46)

Regarding on claim 26, Mizoguchi does not explicitly teach retrieval means is adapted to retrieve all digital media items identified to be sequenced when one or more digital media items are selected for retrieval. However, teaches, "images having time data included in the time data of the data "golf" are searched and displayed from an image closest to "1993/01/22/08/00" (fig. 9D)" (col. 9, lines 57-58 and col. 10, lines 1-2). This teaches the results are displayed from the closet of 1993/01/22/08/00. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include the displaying from the closet day to the later day to allow the user to view the most current one.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi Yoshiyoki (EP 0 678 816 A2) in view of Batson et al. (US. Patent No. 5,828,904).

Regarding on claim 12, Mizoguchi does not explicitly teach outputting an notification to a user that associated digital media items are available, and retrieving and outputting automatically identified digital media items in response to a user input. Batson teaches, "the computer system processes the next retrieval request or requests from the list as shown in block 551. The computer system reads the data for the retrieval request or requests from the storage media as shown in block 552. The data can correspond to a single frame or multiple frames. After reading the data, the computer system notifies the requester or requesters of data availability as shown in

Art Unit: 2172

block 553" (col. 8, lines 44-51). This teaches the retrieval system notifies the requester or requesters the availability of the data in the storage media. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Batson into Mozoguchi because notifying the requester or requesters of the availability of the data in the storage area would allows the user to identify the input parameters are good or need to be redefined.

5. Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi Yoshiyoki (EP 0 678 816 A2) in view of Korolev et al. (US. Patent No. 6,438,539).

Regarding on claim 13 and 27, Mizoguchi teach receiving a user request for automatic nostalgic retrieval, automatically generating an initial set of said selections, using the selections to retrieve and output digital media items except for automatically modifying one of the selections, using the modified selections to retrieve and output digital media items and repeating the modifying and retrieval and output steps. However, Korolev teaches, "a search agent 102 can also automatically modify certain search parameters to find a different array of offers. For example in an automobile search, the search agent 102 may drop the requirement that the car color be red to find more vehicles that satisfy other search criteria" (col. 17, lines 2-7). This teaches the refining process for modifying search parameters. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to include

the teaching of Korolev and Mizoguchi because utilizing the automatically modify search parameters would allow the users narrow down the search.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).

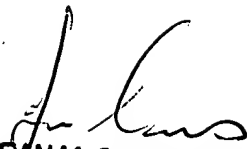
Baoquoc N. To

May 12, 2003

Application/Control Number: 09/670,635

Page 11

Art Unit: 2172


JEAN M. CORRIELUS
PRIMARY EXAMINER